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**OFFICE OF PETITIONS**

In re Application of : LETTER REGARDING  
Robertson et al. : PATENT TERM ADJUSTMENT  
Application No. 09/981,510 : and  
Filed: October 17, 2001 : NOTICE OF INTENT TO ISSUE  
Atty Docket No. 035451-0143 : CERTIFICATE OF CORRECTION

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed August 10, 2007. Patentees disclose that the 652 days of Patent Term Adjustment as indicated on the Issue Notification (and on the issued patent) may be incorrect.

The request for review of the patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of six hundred twenty-four (624) days.

On June 12, 2007, the above-identified application matured into U.S. Patent No. 7,231,208. The patent issued with a Patent Term Adjustment of 652 days. Patentees do not disclose a basis for their assertion that the patent term adjustment is incorrect.

Nonetheless, a review of the record confirms that an additional period of reduction should be entered for applicant's failure to engage pursuant to 37 CFR 1.704(c)(10). A Notice of Allowance was mailed on June 6, 2006. Patentees filed a Request for Continued Examination (RCE) and IDS on September 21, 2006. Prior to filing the RCE, applicant paid the Issue Fee. This set the calculation of the period of reduction pursuant to 37 CFR 1.704(b), if any, for applicant delay. The filing of the RCE and IDS after the mailing of the Notice of Allowance on June 6,


2006 constituted a failure to engage pursuant to 37 CFR 1.704(c)(10). This period is 28 days, counting the number of days in the period beginning on September 21, 2006 and ending on October 18, 2006, the date of mailing of the Notice of Allowance in response.

In view thereof, the patent term adjustment indicated in the patent should be six hundred twenty-four (624) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred twenty-four (624)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosures: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,231,208 B2  
DATED : June 12, 2007  
INVENTOR(S) : Robertson et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 652 days

Delete the phrase "by 652 days" and insert – by 624 days--